



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART II

POLICE FUNCTIONS

Detention and questioning

15 **[^{F1}Right of persons arrested or detained to have intimation sent to another person]**

- (1) Without prejudice to [^{F2}sections 15A and 17] of this Act, a person who, not being a person in respect of whose custody or detention subsection (4) below applies—
- has been arrested and is in custody in a police station or other premises, shall be entitled to have intimation of his custody and of the place where he is being held sent to a person reasonably named by him;
 - is being detained under section 14 of this Act and has been taken to a police station or other premises or place, shall be entitled to have intimation of his detention and of the police station or other premises or place sent to a ^{F3} . . . person reasonably named by him,
- without delay or, where some delay is necessary in the interest of the investigation or the prevention of crime or the apprehension of offenders, with no more delay than is so necessary.
- (2) A person shall be informed of his entitlement under subsection (1) above—
- on arrival at the police station or other premises; or
 - where he is not arrested, or as the case may be detained, until after such arrival, on such arrest or detention.
- (3) Where the person mentioned in paragraph (a) of subsection (1) above requests such intimation to be sent as is specified in that paragraph there shall be recorded the time when such request is—
- made;
 - complied with.

Status: Point in time view as at 30/10/2010. This version of this provision has been superseded.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 15 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Without prejudice to the said [^{F4}sections 15A and 17], a constable shall, where a person who has been arrested and is in such custody as is mentioned in paragraph (a) of subsection (1) above or who is being detained as is mentioned in paragraph (b) of that subsection appears to him to be a child, send without delay such intimation as is mentioned in the said paragraph (a), or as the case may be paragraph (b), to that person's parent if known; and the parent—
- (a) in a case where there is reasonable cause to suspect that he has been involved in the alleged offence in respect of which the person has been arrested or detained, may; and
 - (b) in any other case shall,
- be permitted access to the person.
- (5) The nature and extent of any access permitted under subsection (4) above shall be subject to any restriction essential for the furtherance of the investigation or the well-being of the person.
- (6) In subsection (4) above —
- (a) “child” means a person under 16 years of age; and
 - (b) “parent” includes guardian and any person who has the [^{F5}care] of a child.

Textual Amendments

- F1** Words in s. 15 title substituted (30.10.2010) by virtue of [Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010](#) (asp 15), **ss. 1(3)(c)**, 9 (with s. 4)
- F2** Words in s. 15(1) substituted (30.10.2010) by [Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010](#) (asp 15), **ss. 1(3)(a)(i)**, 9 (with s. 4)
- F3** Words in s. 15(1)(b) repealed (30.10.2010) by [Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010](#) (asp 15), **ss. 1(3)(a)(ii)**, 9 (with s. 4)
- F4** Words in s. 15(4) substituted (30.10.2010) by [Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010](#) (asp 15), **ss. 1(3)(b)**, 9 (with s. 4)
- F5** Word in s. 15(6)(b) substituted (1.8.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 21(2)**; S.I. 1997/1712, art. 3, **Sch.** (subject to arts. 4, 5)

Modifications etc. (not altering text)

- C1** S. 15(1)-(3) applied (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), **ss. 116(4)**, 263; S.S.I. 2005/604, **art. 2** (subject to arts. 3, 4)
- C2** S. 15(4) applied (19.2.2001) by 2000 c. 11, ss. 41, 53, Sch. 7 para. 6, **Sch. 8 para. 18(2)(b)**; S.I. 2001/421, **art. 2**

Status:

Point in time view as at 30/10/2010. This version of this provision has been superseded.

Changes to legislation:

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